

**REMARKS**

Claims 1, 3, 10, 11, 15, 25, 29-32 and 34 are pending. By this Amendment, claims 1, 10 and 25 are amended; claims 4, 5 and 33 are canceled; and claim 34 is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:

(a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. In particular, claim 1 is merely amended to incorporate the features of claim 33. In addition, claim 10 is merely amended to be independent by incorporating features of claims 4 and 5. Based on the cancellation of claim 4, claim 25 is merely amended to depend from newly independent claim 10. Finally, claim 34 is added based on the comment in the Office Action on page 6, lines 14-17. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants thank Examiner Baskar for courtesies extended during the February 23, 2006 telephone interview. During this interview, the amendments to claims 1 and 10 and the addition of claim 34 were discussed. Applicants' further separate record of the substance of the interview is incorporated into the following remarks.

According to the Office Action, claims 1-5 and 10 are rejected under 35 U.S.C. §102 over Schoedon et al. However, the Office Action also indicates that claims 1, 4-5, 11, 15, 25, 29 and 30-31 are rejected and that claims 3, 10, 32 and 33 are objected to as they depend on rejected base claim 1. Thus, it appears that the Examiner may not have intended to reject claims 3 and 10 on this basis. In any event, Applicants respectfully traverse the rejection.

In particular, claim 1 is amended herein to incorporate the features of claim 33, which is not rejected on this basis. In addition, it is respectfully submitted that Schoedon does not teach or suggest the antigen of claim 10, which is a protein of 200 kD isolated from a *Tropheryma whippelii* bacterium, which reacts with an antibody being produced by hybridoma deposited in the CNCM of the Institut Pasteur under the Deposit No. I-2411. Thus, it is respectfully submitted that the rejection of claims 1 and 10, as well as of claim 3, which depends from claim 1, should be reconsidered and withdrawn.

Claims 1, 4, 5, 30 and 31 are rejected under 35 U.S.C. §102 over Muller et al. In addition, claims 1, 4, 5, 30 and 31 are rejected under 35 U.S.C. §102 over Drancourt. Applicants respectfully traverse the rejections.

Claim 1 has been amended herein to incorporate the features of claim 33, which is not rejected on these bases. Claims 4 and 5 have been canceled. Claims 30 and 31 depend from claim 1. Therefore, the rejection of claims 1, 30 and 31 should be reconsidered and withdrawn.

Claims 11, 15, 25 and 29 are rejected under 35 U.S.C. §103 over Muller or Drancourt in view of Harlow and Lane. Applicants respectfully traverse the rejection.

Claim 11 is directed to a method of diagnosis in which serum or other biological fluid is contacted with a culture according to claim 1 or a *Tropheryma whippelii* bacterium obtained from this culture. Claim 15 depends from claim 11. Neither Muller nor Drancourt teach or suggest a culture according to claim 1 or a *Tropheryma whippelii* bacterium obtained from said culture. In addition, Harlow and Lane do not overcome this deficiency. Therefore, the cited references do not teach or suggest the method of claim 11 or of claim 15, which depends from claim 11.

Claim 25 is directed to a method for diagnosis in which serum or another biological fluid is contacted with an antigen according to claim 10. Claim 29 depends from claim 25.

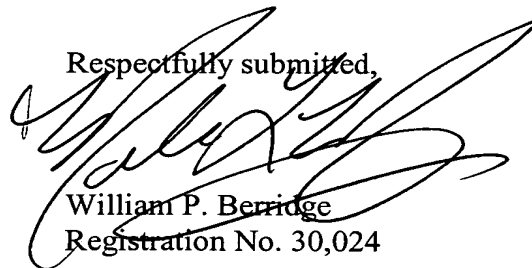
Neither Muller nor Drancourt teach or suggest an antigen according to claim 10. In addition, Harlow and Lane do not overcome this deficiency. Therefore, the cited references do not teach or suggest the method of claim 25 or of claim 29, which depends from claim 25.

Muller, Drancourt and Harlow and Lane fail to teach or suggest the methods of claims 11, 15, 25 and 29. Therefore, the rejection of these claims under 35 U.S.C. §103 should be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 10, 11, 15, 25, 29-32 and 34 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Melanie L. McCollum  
Registration No. 40,085

WPB:MLM/jam

Date: March 16, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--